

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

01 JUN 27 AM 7 54

IN RE: Petition of Memphis Networx, LLC for Approval of a
Telecommunications Franchise with the City of Memphis

Docket No. 01-00091

PETITION OF THE CITY OF MEMPHIS FOR LEAVE TO INTERVENE

The City of Memphis, pursuant to T.C.A. §4-5-310 and T.C.A. §65-2-107, petitions the Tennessee Regulatory Authority (the "Authority") for leave to intervene in the above-captioned proceeding, and in support thereof states as follows:

1. Petitioner, City of Memphis, (the "City") is a governmental entity who has entered into a franchise agreement with Memphis Networx, LLC ("Memphis Networx"), whose Petition for Approval is currently pending before this Authority.
2. At issue in this proceeding is the City's negotiated franchise agreement with Memphis Networx, and specifically, City Ordinance No. 4404, which gives the City the right to impose upon telecommunications service providers certain terms and conditions.
3. Due to the issues raised by other parties to this action regarding the City's franchise agreement with Memphis Networx and its alleged impingement upon the Authority's exclusive jurisdiction to regulate telecommunications service providers, it is necessary and appropriate, pursuant to T.C.A. §4-5-310(a)(2), for the City to be granted the right to intervene in this proceeding as its legal rights and duties are implicated.
4. That in the June 15, 2001 Order Granting the Petitions to Intervene of Southeastern Competitive Carriers Association and BellSouth Telecommunications, Inc., J. Richard Collier, Pre-Hearing Officer, stated that the City of Memphis has an interest in this proceeding and a

copy of said Order was sent to the City Attorney for the City of Memphis for the purpose of notifying the City of the status of this action and providing the City with the opportunity to formally intervene and participate in this matter.

5. Allowing the City to intervene will not impair the interests or the orderly and prompt conduct of these proceedings.

6. The City of Memphis respectfully requests that it be granted leave to intervene and participate as a party in the above-captioned proceeding.

WHEREFORE, The City of Memphis prays:

1. That it be permitted to intervene in this proceeding and participate as a party.
2. That it have such other and further relief to which it may be entitled.

Respectfully submitted,

Robert L.J. Spence, Jr. mjr

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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2001, a copy of the foregoing document was served on the parties via facsimile and by U.S. mail:

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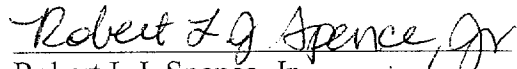
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